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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,430	08/23/2001	Douglas A. Cheline	PD-201117	2585

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THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION RE/R11/A109·
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EXAMINER
EDELMAN, BRADLEY E

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _23 August 2001_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-24_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-24_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _23 August 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _8/23/01_.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This Office action is a first action on the merits of this application. Claims 1-24

are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

1.   Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

It appears that the word "simultaneously" as used in the claims is misdescriptive.

For instance, claim 1 states, "simultaneously transmitting said host name query from

said modem to a plurality of DNS servers." While the specification describes sending

the query from the modem to a plurality of DNS servers (see p. 27, line 29 – p. 28, line

8; see Fig. 5A, steps 514 and 516), it does not describe that it is in fact done

simultaneously. Rather, the specification suggests that the requests are sent one after

the other. Note also, that modems send signals in a serial manner, so it would not

make sense to send multiple requests from a modem simultaneously. Claim 15 does

not require a modem, but still uses the term "simultaneously" in a misdescriptive

manner. Claims 2-12 and 14-24 depend from claims 1 and 13 respectively, and are

thus rejected for the same reasons.

For the purposes of the art rejections below, Examiner has interpreted the term

"simultaneously" as meaning that multiple queries are sent from the client, one after the

other.

Claim 24 is further rejected under 35 USC 112, second paragraph because the

term "said modem" lacks sufficient antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-3 and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Broadhurst (U.S. Patent No. 6,560,634), in view of Bhatia et al. (U.S. Patent No.

6,108,330, hereinafter "Bhatia").

In considering claim 1, as understood, Broadhurst discloses a computer

implemented method for resolving host names on a network comprising:

Receiving a host name query from a client (col. 5, lines 43-45, 54-59, the "client

computer 106" sends a query);

Simultaneously transmitting said host name query from the client to a plurality of

DNS servers (col. 5, lines 43-45, 58-62, wherein the client sends the query to the query

server, and the "query server 104 may perform multiple queries [to multiple DNS

servers] at once"); and

Returning a response to said client computer, where said response is based on

said host name query and any responses received from said DNS servers (col. 6, lines

10-18, 38-40, wherein the response is sent both the query server 104 and to the client

computer 106).

However, Broadhurst does not disclose that the client sends its queries and

receives responses via a modem. That is because Broadhurst does not discuss the

hardware of the client in any depth. Nonetheless, it is well known that clients can

connect to DNS query services using a modem, as evidenced by Bhatia (Fig. 1). Thus,

given the teaching of Bhatia, a person having ordinary skill in the art would have readily

recognized the desirability and advantages of using a modem to connect the client

taught by Broadhurst to the network, in order to allow users without direct connections

to the Internet to use the system. Therefore, it would have been obvious to use a

modem as taught by Bhatia, in the system taught by Broadhurst.

In considering claim 2, Broadhurst further discloses acquiring at least one

address associated with said host name query (col. 6, lines 27-37, "whois query"), and

returning said address to said client computer, such that said client can send a request

for content to said address (col. 6, lines 44-50; Fig. 6A, wherein the client computer

displays the domain names that could be used to access a website).

In considering claim 3, Broadhurst further discloses determining that a plurality of

addresses was acquired from said DNS servers (Fig. 6A), and eliminating all but one of

said addresses (col. 6, lines 51-55; Fig. 6C, where all but "MERCEDES.com.ph" was

eliminated).

In considering claim 6, Broadhurst further discloses:

performing a search using said host name query as a search string (Fig. 5A);

transmitting an address of where results of said search can be viewed to said

computer (Fig. 6A, "MERCEDES.com.au"); and

determining that a host has not been located by said DNS servers (Fig. 6A, i.e.

"MERCEDES.net.au" has not been located by the DNS servers).

In considering claim 7, Broadhurst further discloses sending said host name

query as a search string to a search engine (Fig. 5A).

In considering claim 8, Broadhurst further discloses sending said host name

query as a search string to a search engine selected by a service provider (Fig. 5A, the

search engine is selected by "idNames.com").

In considering claim 9, Broadhurst further discloses sending said host name

query as a search string to a search engine selected by a system administrator (Fig. 5A,

the search engine is selected by "idNames.com," which is inherently selected by a

system administrator who designed the program).

In considering claim 10, Broadhurst further discloses searching a memory (inherent) for an address associated with said host name query, and returning a located address to said client, such that the client computer can send a request for content to said address (col. 6, lines 44-50; Fig. 6A, wherein the client computer displays the domain names that could be used to access a website). Although Broadhurst does not disclose that the memory is a cache, Examiner takes Official notice that storing requested network information in a cache is well known in the art as a method for saving network resources. Thus, it would have been obvious to use a cache in the system taught by Broadhurst to save network resources by avoiding the need to send every request over the network and/or allowing the DNS servers to access the information from a cache rather than process every request anew.

In considering claim 11, Broadhurst further discloses searching a memory (inherent) based on said host name query, and returning memory content associated with said host name query to said client computer, such that said client can display said content (Fig. 6B). Again, although Broadhurst does not disclose that the memory is a cache, Examiner takes Official notice that storing requested network information in a cache is well known in the art as a method for saving network resources. Thus, it would have been obvious to use a cache in the system taught by Broadhurst to save network resources by avoiding the need to send every request over the network and/or allowing the DNS servers to access the information from a cache rather than process every request anew.

3.   Claims 13-15 and 18-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Broadhurst (U.S. Patent No. 6,560,634), in view of Poeluev (U.S.

Patent Application No. 2003/0014541).

In considering claim 13, as understood, Broadhurst discloses a computer

program product for resolving host names on a network, the computer program product

comprising a computer readable storage and a computer program embedded therein,

the computer program comprising:

Instructions for receiving a host name query from a client computer (col. 5, lines

43-45, 54-59, wherein either the "client computer 106" or the "query server 104" is the

client);

Instructions for simultaneously transmitting said host name query to a plurality of

DNS servers (col. 5, lines 58-62, "query server 104 may perform multiple queries [to

multiple DNS servers] at once"); and

Instructions for returning a response to said client computer, where said

response is based on said host name query and any responses received from said DNS

servers (col. 6, lines 10-18, 38-40, wherein the response is sent both the query server

104 and to the client computer 106).

However, Broadhurst does not disclose that the network is a virtual private

network (VPN). Nonetheless, systems that allow client computers to query DNS

servers via a VPN are well known, as evidenced by Poeluev (¶ 24). Given the teaching

of Poeluev, a person having ordinary skill in the art would have readily recognized the

desirability and advantages of using the Broadhurst system for VPN connections, to allow a user of the Broadhurst system to obtain access to public websites when connected to a VPN (see Poeluev, ¶ 5). Therefore, it would have been obvious for the network taught by Broadhurst to be a VPN.

In considering claim 14, Broadhurst further discloses instructions for acquiring at least one address associated with said host name query (col. 6, lines 27-37, "whois query"), and instructions for returning said address to said client computer, such that said client can send a request for content to said address (col. 6, lines 44-50; Fig. 6A, wherein the client computer displays the domain names that could be used to access a website).

In considering claim 15, Broadhurst further discloses instructions for determining that a plurality of addresses was acquired from said DNS servers (Fig. 6A), and instructions for eliminating all but one of said addresses (col. 6, lines 51-55; Fig. 6C, where all but "MERCEDES.com.ph" was eliminated).

In considering claim 18, Broadhurst further discloses:

instructions for performing a search using said host name query as a search string (Fig. 5A);

instructions for transmitting an address of where results of said search can be viewed to said computer (Fig. 6A, "MERCEDES.com.au"); and

instructions for determining that a host has not been located by said DNS servers

(Fig. 6A, i.e. "MERCEDES.net.au" has not been located by the DNS servers).

In considering claim 19, Broadhurst further discloses instructions for sending said

host name query as a search string to a search engine (Fig. 5A).

In considering claim 20, Broadhurst further discloses instructions for sending said

host name query as a search string to a search engine selected by a service provider

(Fig. 5A, the search engine is selected by "idNames.com").

In considering claim 21, Broadhurst further discloses instructions for sending said

host name query as a search string to a search engine selected by a system

administrator (Fig. 5A, the search engine is selected by "idNames.com," which is

inherently selected by a system administrator who designed the program).

In considering claim 22, Broadhurst further discloses instructions for searching a

memory (inherent) for an address associated with said host name query, and

instructions for returning a located address to said client, such that the client computer

can send a request for content to said address (col. 6, lines 44-50; Fig. 6A, wherein the

client computer displays the domain names that could be used to access a website).

Although Broadhurst does not disclose that the memory is a cache, Examiner takes

Official notice that storing requested network information in a cache is well known in the

art as a method for saving network resources. Thus, it would have been obvious to use a cache in the system taught by Broadhurst to save network resources by avoiding the need to send every request over the network and/or allowing the DNS servers to access the information from a cache rather than process every request anew.

In considering claim 23, Broadhurst further discloses instructions for searching a memory (inherent) based on said host name query, and instructions for returning memory content associated with said host name query to said client computer, such that said client can display said content (Fig. 6B). Again, although Broadhurst does not disclose that the memory is a cache, Examiner takes Official notice that storing requested network information in a cache is well known in the art as a method for saving network resources. Thus, it would have been obvious to use a cache in the system taught by Broadhurst to save network resources by avoiding the need to send every request over the network and/or allowing the DNS servers to access the information from a cache rather than process every request anew.

4.   Claims 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broadhurst, in view of Bhatia, and further in view of Poeluev.

In considering claim 12, although neither Broadhurst nor Bhatia disclose a VPN, systems that allow client computers to query DNS servers via a VPN are well known, as evidenced by Poeluev (¶ 24). Given the teaching of Poeluev, a person having ordinary skill in the art would have readily recognized the desirability and advantages of using

the Broadhurst system for VPN connections, to allow a user of the Broadhurst system to

obtain access to public websites when connected to a VPN (see Poeluev, ¶ 5).

Therefore, it would have been obvious for the network taught by Broadhurst and Bhatia

to be a VPN, as taught by Poeluev.

In considering claim 24, although neither Broadhurst nor Poeluev disclose the

use of a modem to connect the client to the network, such a device is well known, as

evidenced by Bhatia (Fig. 1). Thus, given the teaching of Bhatia, a person having

ordinary skill in the art would have readily recognized the desirability and advantages of

using a modem to connect the client taught by Broadhurst to the network, in order to

allow users without direct connections to the Internet to use the system. Therefore, it

would have been obvious to use a modem as taught by Bhatia, in the system taught by

Broadhurst and Poeluev.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Bradley Edelman whose telephone number is 571-272-

3953. The examiner can normally be reached from 9 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached at 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bradley Edelman

BE
January 25, 2005